

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

AUG 09 2011

PATRICK E. DUFFY, CLERK
By
DEPUTY CLERK, MISSOULA

UNITED STATES OF AMERICA,

CR 11-12-BU-DWM

Plaintiff,

vs.

FINDINGS & RECOMMENDATION
CONCERNING PLEA

FRANK WAYNE CAMPBELL,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of arson affecting interstate commerce in violation of 18 U.S.C. § 844(i) (Count I), and with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (Count III), as set forth in the Indictment filed against him. In exchange for Defendant's pleas, the United States has agreed to dismiss Count II of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,

2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,

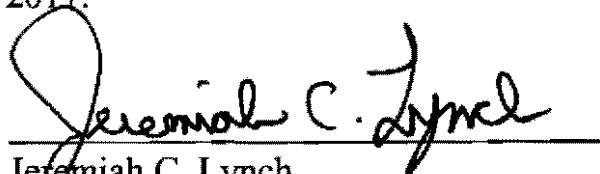
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That his guilty pleas are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I and III of the Indictment, and that sentence be imposed. I further recommend that Count II of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 9th day of August, 2011.


Jeremiah C. Lynch
United States Magistrate Judge